

REMARKS

This application has been carefully reviewed in light of the Official Action mailed December 15, 2006. Claims 1 and 3-14 are canceled above without prejudice or disclaimer. New claims 15-26 are added above. Claims 15-26 are now pending in this case. Applicant respectfully requests reconsideration of this application in view of this amendment and the following remarks.

In the Official Action, the Examiner rejected the following claims under 35 USC 103 (a) as being unpatentable: claims 1, 3, 5, 6, 7, and 14 as being unpatentable over U.S. Patent No. 3,661,144 to Jensen ("Jensen") in view of U.S. Patent No. 6,135,984 to Dishler ("Dishler") in view of U.S. Patent No. 6,162,187 to Buzzard ("Buzzard") and in further view of U.S. Patent No. 5,830,214 to Flom ("Flom"); claim 4 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom and in further view of U.S. Patent No. 5,795,323 to Cucin ("Cucin"); claim 8 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom and in further view of U.S. Patent No. 3,439,675 to Cohen ("Cohen"); claims 9-10 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom and in further view of U.S. Patent No. 5,246,436 to Rowe ("Rowe") and U.S. Patent No. 6,193,714 to McGaffigan et al. ("McGaffigan"); claim 11 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom in view of Rowe in view of McGaffigan and in further view of U.S. Patent No. 6,325,798 to Edwards et al. ("Edwards"); claim 12 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom and in further view of U.S. Patent No. 5,242,386 to Holzer ("Holzer"); and claim 13 as being unpatentable over Jensen in view of Dishler in view of Buzzard in view of Flom. The cancellation of instrument claims 1 and 3-14 above renders these rejections moot.

New independent claim 15, and its dependent claims 16-20, and new independent claim 21, and its dependent claims 22-26, are directed to a method of draining fluid from a subretinal space of an eye and performing a fluid exchange in a vitreous of said eye. Jensen, Dishler, Buzzard, Flom, Cucin, Cohen, Rowe, McGaffigan, Edwards, Holzer, and Kadan (previously cited by the Examiner) all fail to disclose, teach, or suggest the claimed methods. In contrast Jensen, Buzzard, Flom,

Cucin, Cohen, Rowe, McGaffigan, Edwards, Holzer, and Kadan all concern non-ophthalmic applications. Dishler is merely concerned with irrigating the corneal surface of the eye during corrective laser eye surgery. The differences between new claims 15-26 and the prior art cited by the Examiner are significant. For at least these reasons, claim 15, and its dependent claims 16-20, and claim 21, and its dependent claims 22-26 are patentable over Jensen, Dishler, Buzzard, Flom, Cucin, Cohen, Rowe, McGaffigan, Edwards, Holzer, and Kadan.

Applicant has made an earnest attempt to place this case in condition for full allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration of this application and full allowance of all claims remaining in this case.

The Commissioner is hereby authorized to charge the following fee amounts required or credit any overpayment associated with the filing of this Response to

Deposit Account No. 501051 of Alcon, Inc.:

- 1) The fee amount of \$1020.00 for the Petition for Extension of Time for three (3) months, from March 15, 2007 to June 15, 2007, to respond to the Official Action, which is being filed concurrently with this Amendment.
- 2) The fee amount of \$300.00 for the presentation of six (6) claims in excess of twenty (20).

If the Examiner has any questions regarding this Amendment, please contact the undersigned at (817) 568-6029.

Respectfully submitted,



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